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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Dec 08, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Case No. 2: 20-CR-00146-WFN

Plaintiff,

Global Plea Agreement

v.

Fed. R. Crim. P. 11(c)(1)(C)

JAIDEN GYVAN PETERSEN,

Defendant.

Plaintiff United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Alison L. Gregoire, Assistant United States Attorney for the Eastern District of Washington, and the State of Washington by and through Larry H. Haskell, Spokane County Prosecuting Attorney, and Eugene Cruz and Hannah Stearns, Deputy Prosecutors for Spokane County, and Defendant, JAIDEN GYVAN PETERSEN, and Defendant's counsel, Amy H. Rubin, agree to the following Plea Agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C):

Introduction

Defendant, JAIDEN GYVAN PETERSEN, is presently charged in the Eastern District of Washington by Indictment, filed on October 21, 2020, with Production of

1 Child Pornography, in violation 18 U.S.C. § 2251(a), in Counts One and Two, Receipt  
2 of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), in Count Three,  
3 Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), in Count  
4 Four.

5 Defendant is also charged by the State of Washington, in and for the County of  
6 Spokane. Defendant is charged by Information (case number 20-1-02023-32), filed  
7 on June 12, 2020, with three counts of Child Molestation in the First Degree, in  
8 violation of RCW 9A.44.083.

9 Defendant wishes to resolve all these pending federal and state charges as part  
10 of a single, global resolution. The United States Attorney's Office for the Eastern  
11 District of Washington and the Spokane County, Washington, Prosecuting Attorney's  
12 Office agree to such a resolution, as set forth herein.

13 1. Guilty Pleas and Maximum Statutory Penalties

14 A. Federal Charges:

15 Defendant, JAIDEN GYVAN PETERSEN, agrees to plead guilty to Production  
16 of Child Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One  
17 and Two, of the Indictment, filed on October 21, 2020.

18 Defendant understands that each count of Production of Child Pornography  
19 carries a maximum penalty of not less than fifteen (15) years nor more than thirty (30)  
20 years imprisonment, a fine not to exceed \$250,000, a term of supervised release of not  
21 less than five (5) years up to life, and a \$100 special penalty assessment. Defendant  
22 also understands that these penalties can be ordered to be served consecutively.

23 Pursuant to the Justice for Victims of Trafficking Act of 2015, upon conviction,  
24 an additional mandatory special assessment of \$5,000 per count must also be imposed  
25 unless the sentencing court finds Defendant to be indigent, and an additional special  
26 penalty assessment of no more than \$50,000, per count, may be imposed pursuant to

1 the Amy, Vicky and Andy Child Pornography Victim Assistance Act of 2018, 18  
2 U.S.C. § 2259A.

3 Defendant understands that a violation of a condition of supervised release  
4 carries an additional penalty of re-imprisonment for all or part of the term of  
5 supervised release without credit for time previously served on post-release  
6 supervision.

7       B. Washington State Charges:

8       Defendant, JAIDEN GYVAN PETERSEN, also agrees to plead guilty in the  
9 Superior Court of the State of Washington in and for the County of Spokane, to  
10 Counts One through Three of the Information filed, in case number 20-1-02023-32,  
11 filed on June 12, 2020, alleging Child Molestation in the First Degree, in violation of  
12 RCW 9A.44.083. The Washington State charges will be resolved by separate plea  
13 agreement, to be filed with the Spokane County, Washington, Superior Court.  
14 Pursuant to that agreement, the State of Washington agrees to recommend a 149-  
15 month term of imprisonment to run concurrent to the federal sentence.

16       2. The Court is Not a Party to this Plea Agreement

17       The Court is not a party to this Plea Agreement and may accept or reject it.  
18 Defendant understands the following: sentencing is a matter solely within the  
19 discretion of the Court; the Court is under no obligation to accept any  
20 recommendations made by the United States or Defendant; the Court will obtain an  
21 independent report and sentencing recommendation from the United States Probation  
22 Office; and the Court may exercise its discretion to impose any sentence it deems  
23 appropriate, up to the statutory maximum penalties.

24       Defendant acknowledges that no promises of any type have been made to  
25 Defendant with respect to the sentence the Court will impose in this matter.

1           Defendant understands that the Court is required to consider the applicable  
2 range under the United States Sentencing Guidelines, but may depart upward or  
3 downward under certain circumstances.  
4

5           The United States and Defendant agree that this Plea Agreement is entered  
6 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to  
7 a term of not less than fifteen years nor more than twenty years of imprisonment per  
8 count in the above captioned federal case for Production of Child Pornography in  
9 Counts One and Two, to run concurrently. The United States may withdraw from this  
10 Plea Agreement if the Court imposes a total sentence less than fifteen years.  
11 Defendant further understands that Defendant will have the option to withdraw from  
12 this Plea Agreement if the Court imposes a total sentence greater than twenty years.

13           3. Effect on Immigration Status

14           Defendant understands that pleading guilty may have consequences with  
15 respect to Defendant's immigration status if Defendant is not a citizen of the United  
16 States. Defendant understands that a broad range of federal crimes may result in  
17 Defendant's removal from the United States, including the offense to which  
18 Defendant is pleading guilty. Defendant understands that removal and other  
19 immigration consequences are the subject of separate proceedings. Defendant  
20 understands that while removal from the United States may be a result of Defendant's  
21 guilty plea if Defendant is not a citizen of the United States, no one, including  
22 Defendant's attorney or the District Court, can predict with absolute certainty the  
23 effect of a federal conviction on Defendant's immigration status. Defendant affirms  
24 that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth  
25 in this Plea Agreement, regardless of any immigration consequences that Defendant's  
26 guilty plea may entail, even if removal from the United States is a virtual certainty if  
27 Defendant is not a United States citizen.

1           4. Waiver of Constitutional Rights

2           Defendant, JAIDEN GYVAN PETERSEN, understands that by entering this  
3           plea of guilty, Defendant is knowingly and voluntarily waiving certain constitutional  
4           rights, including:

5                   (a) The right to a jury trial;  
6                   (b) The right to see, hear and question the witnesses;  
7                   (c) The right to remain silent at trial;  
8                   (d) The right to testify at trial; and  
9                   (e) The right to compel witnesses to testify.

10           While Defendant is waiving certain constitutional rights, Defendant understands  
11           Defendant retains the right to be assisted through the sentencing and any direct appeal  
12           of the conviction and sentence by an attorney, who will be appointed at no cost if  
13           Defendant cannot afford to hire an attorney. Defendant also acknowledges that any  
14           pretrial motions currently pending before the Court are waived.

15           5. Elements of the Offenses

16           The United States and Defendant agree that to convict Defendant of Production  
17           of Child Pornography (Counts One and Two), in violation of 18 U.S.C. § 2251(a), the  
18           United States would have to prove beyond a reasonable doubt the following elements:

19                   (a) First: At the time of the offenses charged in the Indictment, the  
20                   minors identified as Minor 2 and Minor 3, were under the age of  
21                   eighteen;

22                   (b) Second: On or about the dates charged in the Indictment, in the  
23                   Eastern District of Washington, Defendant employed, used,  
24                   persuaded, induced or enticed each minor victim to take part in sexually  
25                   explicit conduct for the purpose of producing a visual depiction of  
26                   such conduct;

- (c) Third: (a) Defendant knew or had reason to know that such visual depiction would be transported using any means or facility of interstate or foreign commerce; or
  - (b) Defendant knew or had reason to know that such visual depiction would be transported in or affecting interstate or foreign commerce; or
  - (c) Such visual depiction was produced using materials that have been mailed or shipped or transported in and affecting interstate or foreign commerce by any means, including by computer; or
  - (d) Such visual depiction was transported using any means and facility of interstate and foreign commerce; or
  - (e) Such visual depiction was transported in and affecting interstate and foreign commerce.

## 6. Factual Basis and Statement of Facts:

The United States and Defendant stipulate and agree that the following facts are accurate; that the United States could prove these facts beyond a reasonable doubt at trial; and that these facts constitute an adequate factual basis for JAIDEN GYVAN PETERSEN'S guilty plea. This statement of facts does not preclude either party from presenting and arguing, for sentencing purposes, additional facts which are relevant to the sentencing guideline computations or sentencing, unless otherwise prohibited by this agreement.

FBI received a CyberTip from Snapchat indicating child pornography had traveled across their servers pertaining to a specific IP address in Eastern Washington. The Snapchat account residential logins were traced, via IP address, to a specific address on Cherry, in Spokane Valley, Washington. The user of the account was subsequently identified as JAIDEN GYVAN PETERSEN. When the FBI received and executed the search warrant at Cherry, they found the home was that of Jaiden

1 PETERSEN'S brother. The brother explained the SnapChat user was Jaiden  
2 PETERSEN who had been living there, but Jaiden PETERSEN had moved in a few  
3 months prior with their other brother who resided on Glass Avenue in Spokane.

4 A search warrant was subsequently obtained for the Glass Avenue address  
5 where agents found a PlayStation, used girls' underwear (ranging from 28-pound size  
6 to 83-pound size), a thumb drive and a cell phone. Living at the house were Jaiden  
7 PETERSEN, his brother, and his partner as well as their children to include their  
8 Minor 1, whom Jaiden PETERSEN had babysat.

9 Jaiden PETERSEN was interviewed at the time of the search warrant. When he  
10 was originally approached, he was told not to touch his phone, and he immediately  
11 grabbed it and turned it off. He was then handcuffed. He was taken to an FBI  
12 vehicle, unhandcuffed and Mirandized.

13 Jaiden PETERSEN admitted the subject account was his noting his Snapchat ID  
14 was petersenjaiden and his e-mail was [jgpetersen00@gmail.com](mailto:jgpetersen00@gmail.com), both of which were  
15 listed in the CyberTip. Jaiden said he got his child pornography from internet Google  
16 searches. He stated he started viewing underage sexual images at about age 12 and  
17 continued to the present. PETERSEN had the known child pornography series  
18 "Ukrainian Angels." He had downloaded child sex images at his mother's address on  
19 Nora, his brother's address at Cherry and his current brother's residence on Glass.  
20 PETERSEN stated images of his 17 year old girlfriend would be found on the devices.

21 All of PETERSEN's devices were reviewed forensically. The FBI found at  
22 total of over 1,000 child pornography images and 10 child pornography videos  
23 pursuant to the review. Of note, three images were of a local production victim  
24 (victim of a separate defendant) that were traded directly with PETERSEN. Other  
25 images included urination and child bondage.

1                   Minor 2

2                   Defendant's then underage girlfriend, Minor 2 (born January 1999), was located  
3 and interviewed by the FBI. She explained she communicated with Jaiden  
4 PETERSEN over Facebook Messenger and Snapchat, since she was 14 years old and  
5 that he knew her true age. Minor 2 described her relationship with PETERSEN as not  
6 dating, but involving sex and the sending, at his request, of sexual images of herself.  
7 The images included breasts, nudes, genitals, and masturbation, which were sent over  
8 Snapchat. From ages 14 to 17 she created sexual images of herself, each time at  
9 PETERSEN's request. She estimated sending 65 or more pictures of herself (meeting  
10 the federal definition of child pornography) to PETERSEN. She sent, on average, two  
11 images or videos per week.

12                   Minor 3

13                   PETERSEN's Google account (associated with his e-mail) was searched and  
14 several potential victims emerged from his "Google Photos," one of which was Minor  
15 3 (born December 2005).

16                   Minor 3 was interviewed and stated she had met PETERSEN on Xbox live.  
17 Minor 3 identified several photos of herself that she had sent PETERSEN via  
18 Snapchat. She detailed where the photos were taken, that she was depicted in the  
19 photos, and that the photos were taken at Defendant's request. The dates available for  
20 the photos show they were produced between September and October 2019, when  
21 Minor 3 was 13 years old. The photos included masturbation and lascivious  
22 exhibition of the genitals.

23                   PETERSEN knew Minor 3's age and minor status. He told her he was more  
24 than 7 years older than her and he could get in trouble for talking to her. Jaiden  
25 PETERSEN stated he was "20 something" and Minor 3 told him her true age at the  
26 time, 13. He knew she was in Spokane and attending middle school because he

1 commented that he had gone to the same middle school. He asked to meet her but  
2 Minor 3 refused. PETERSEN told her about the sexual interest he had in his younger  
3 "cousin," and explained how he had touched his penis to her lips (Minor 1).

4 PETERSEN sent penis images and masturbation videos to Minor 3 over  
5 Snapchat. Minor 3 saw a poster of females sitting down showing their backsides on  
6 the wall behind PETERSEN in the images. This same poster can be seen in search  
7 warrant photos on the wall by PETERSEN'S computer and in his room.

8 PETERSEN sent child pornography to Minor 3 through Snapchat three times.  
9 One looked like a seven-year-old "doing stuff." He said he liked it. One time he sent  
10 an image of his cousin (later determined to be Minor 1). She was sleeping and he  
11 lifted her blanket exposing her "private parts."

12 SA McEuen located 416 images of Minor 3 in PETERSEN's digital accounts,  
13 approximately 200 of which would qualify as child pornography.

14 **7. The United States' Agreements**

15 At the time of sentencing, the United States agrees to move to dismiss Counts  
16 Three and Four of the Indictment, which charge Defendant Receipt of Child  
17 Pornography, in violation of 18 U.S.C. 2252A(a)(2), and Distribution of Child  
18 Pornography, in violation of 18 U.S.C. 2252A(a)(2), respectively.

19 The United States Attorney's Office for the Eastern District of Washington  
20 agrees not to bring any additional charges against Defendant based upon information  
21 in its possession at the time of this Plea Agreement unless Defendant breaches this  
22 Plea Agreement any time before or after sentencing.

23 **8. United States Sentencing Guideline Calculations**

24 Defendant understands and acknowledges that the United States Sentencing  
25 Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that the Court will  
26 determine Defendant's applicable sentencing guideline range at the time of

1 sentencing.

2           a. Base Offense Level

3           The United States and Defendant agree that the base offense level for  
4 Production of Child Pornography is 32. U.S.S.G. §2G2.1(a).

5           b. Special Offense Characteristics

6           Defendant and the United States agree and stipulate that the following specific  
7 offense characteristics are applicable to Minor 2 and Minor 3:

8           The offense level will be increased by two (2) levels because the minor victims  
9 had not attained the age of 16 years. U.S.S.G. §2G2.1(b)(1)(B).

10          The offense level will be increased two (2) levels because the offense involved  
11 the commission of sexual contact or a sexual act. U.S.S.G. §2G2.1(b)(2)(A).

12          The offense level will be increased two (2) levels because the offense involved  
13 distribution to the Defendant and the Defendant distributed images. *See* U.S.S.G.  
14 §2G2.1(b)(3).

15          The offense will be increased by two (2) levels because of the use of a  
16 computer. U.S.S.G. §2G2.1(b)(6).

17           i. Multiple Count Analysis

18          The United States and Defendant agree and stipulate that the counts of  
19 conviction do not group.

20           ii. Repeat and Dangerous Sex Offender Against Minors

21          Defendant stipulates and agrees Counts One and Two are covered sex crimes  
22 and that he engaged in a pattern of activity involving prohibited sexual conduct,  
23 thereby increasing the offense level by five (5) levels. U.S.S.G. § 4B1.5(b)(1).

24           c. Acceptance of Responsibility

25          If Defendant pleads guilty and demonstrates a recognition and affirmative  
26 acceptance of personal responsibility for the criminal conduct; provides complete and

1 accurate information during the sentencing process; does not commit any obstructive  
2 conduct; and accepts this Plea Agreement; the United States will move for a three (3)  
3 level downward adjustment in the offense level for Defendant's timely acceptance of  
4 responsibility, pursuant to U.S.S.G. § 3E1.1(a) and (b).

5 Defendant and the United States agree that the United States may at its option  
6 and upon written notice to Defendant, not recommend a three (3) level downward  
7 adjustment for acceptance of responsibility if, prior to the imposition of sentence,  
8 Defendant is charged or convicted of any criminal offense whatsoever or if Defendant  
9 tests positive for any controlled substance.

10 d. No Other Agreements

11 The United States and Defendant have no other agreements regarding the  
12 Guidelines or the application of any Guidelines enhancements, departures, or  
13 variances. Defendant understands and acknowledges that the United States is free to  
14 make any sentencing arguments it sees fit, including arguments arising from  
15 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed  
16 pursuant to this Agreement, and Defendant's relevant conduct.

17 e. Criminal History

18 The United States and Defendant understand that Defendant's criminal history  
19 computation is tentative and that ultimately Defendant's criminal history category will  
20 be determined by the Court after review of the Presentence Investigation Report. The  
21 United States and Defendant have made no agreement and make no representations as  
22 to the criminal history category, which shall be determined after the Presentence  
23 Investigation Report is completed.

24 9. Incarceration

25 The United States and Defendant agree that this Plea Agreement is entered  
26 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to  
27

1 between fifteen (15) and twenty (20) years of imprisonment for each count of  
2 Production of Child Pornography, pursuant to Counts One and Two of the Indictment,  
3 to run concurrently, and to be followed by a lifetime term of supervised release. If the  
4 Court does not accept the plea or chooses to sentence Defendant to a greater or lesser  
5 sentence than the United States and Defendant have agreed upon, Defendant and the  
6 United States may each withdraw from the plea agreement, and this agreement is null  
7 and void.

8 Defendant and the Spokane County Prosecutor's Office agree, upon  
9 Defendant's plea of guilty to three counts of Child Molestation in the First Degree as  
10 alleged in the Information (case number 20-1-02023-32), filed on June 12, 2020, to  
11 recommend a sentence of 149 months incarceration, to be served concurrently with  
12 federal sentences arising out of the Eastern District of Washington.

13 10. Supervised Release:

14 The United States and Defendant agree to recommend a lifetime term of  
15 supervised release be imposed in the instant case.

16 11. Criminal Fine:

17 The United States and Defendant are free to make whatever recommendation  
18 concerning the imposition of a criminal fine that they believe is appropriate.

19 12. Restitution:

20 The United States and Defendant hereby stipulate and agree pursuant to 18  
21 U.S.C. §§ 2259, 3663, 3663A and 3664, the Court should order restitution to Minors  
22 1, 2, and 3, for the full amount of the victims' losses. The United States and  
23 Defendant hereby stipulate and agree that Minor 1, Minor 2, and Minor 3 suffered  
24 harm from actual sexual abuse caused by the Defendant. The Defendant hereby  
25 stipulates and agrees to pay Minor 2, and Minor 3 restitution for any harm  
26 proximately caused by Defendant's offenses of conviction. The Defendant further

1 agrees and stipulates to pay restitution to Minor 1, the victim of Defendant's conduct  
2 as charged the Spokane County Information.

3 The United States and Defendant hereby stipulate and agree that pursuant to 18  
4 U.S.C. § 2259, the Court shall order restitution for the full amount of the victims'  
5 losses. "Victims" may include legal guardians or others in the case of a minor victim  
6 per 18 U.S.C. § 2259(c). The United States and Defendant also hereby stipulate and  
7 agree that the Court shall order full restitution to any entity, organization, insurance  
8 company, individual(s), and/or medical providers who provided medical services  
9 and/or funds related to the treatment of the victims.

10 Defendant understands and agrees that the Court, in addition to any other  
11 penalty, the Court may order Defendant to make restitution to any other victims of the  
12 offenses, pursuant to 18 U.S.C. § 3663(a)(3), including restitution as to all counts  
13 charged, whether or not Defendant enters a plea of guilty to such counts, and whether  
14 or not such counts are dismissed pursuant to this agreement. Pursuant to 18 U.S.C. §  
15 2259(b)(2), the Court shall order restitution for the full amount of the victims' losses  
16 in an amount that reflects the Defendant's relative role in the causal process that  
17 underlies the victim's losses, but which is no less than \$3,000 per victim. The parties  
18 agree that restitution should first be made to Minors 1, 2, and 3. After such restitution  
19 is complete, restitution will be paid to the remaining victims.

20 With respect to restitution, the United States and Defendant agree to the  
21 following:

22 a. Restitution Amount and Interest

23 The United States and the Defendant hereby stipulate and agree that, pursuant  
24 to 18 U.S.C. §§ 2259, 3663, 3663A and 3664, the Court should order restitution in an  
25 amount to be determined at or before sentencing.. The United States and Defendant  
26 agree that interest on this restitution amount, if any, should be waived.

b. Payments

To the extent that the Court orders restitution, the United States and Defendant agree that the Court will set a restitution payment schedule based on his financial circumstances. *See* 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant agrees to pay not less than 10% of his net monthly income towards his restitution obligation.

c. Treasury Offset Program and Collection

Defendant understands the Treasury Offset Program (“TOP”) collects delinquent debts owed to federal agencies. If applicable, the TOP may take part or all of Defendant’s federal tax refund, federal retirement benefits, or other federal benefits and apply these monies to Defendant’s restitution obligations. *See* 26 U.S.C. § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

Defendant also understands the United States may, notwithstanding the Court-imposed payment schedule, pursue other avenues to ensure the restitution obligation is satisfied, including, but not limited to, garnishment of available funds, wages, or assets. *See 18 U.S.C. §§ 3572, 3613, 3664(m).* Nothing in this acknowledgment shall be construed to limit Defendant's ability to assert any specifically identified exemptions as provided by law, except as set forth in this Plea Agreement.

Until a fine or restitution order is paid in full, Defendant agrees fully to disclose all assets in which he has any interest or over which he exercises control, directly or indirectly, including those held by a spouse, parent, nominee, or third party. Defendant agrees to truthfully complete the Financial Disclosure Statement that will be provided by the earlier of 30 days from Defendant's signature on this plea agreement or the date of Defendant's entry of a guilty plea, sign it under penalty of perjury and provide it to both the United States Attorney's Office and the United States Probation Office. Defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on Defendant upon the signing of this Plea Agreement. Until

1 such time as the fine or restitution order is paid in full, Defendant agrees to provide  
2 waivers, consents or releases requested by the U.S. Attorney's Office to access  
3 records to verify the financial information. The parties agree that Defendant's failure  
4 to timely and accurately complete and sign the Financial Disclosure Statement, and  
5 any update thereto, may, in addition to any other penalty or remedy, constitute  
6 Defendant's failure to accept responsibility under U.S.S.G § 3E1.1.

7       d. Notifications and Waivers

8       Defendant agrees to notify the Court and the United States of any material  
9 change in his economic circumstances (e.g., inheritances, monetary gifts, changed  
10 employment, or income increases) that might affect his ability to pay restitution. *See*  
11 18 U.S.C. § 3664(k). This obligation ceases when the restitution is paid-in-full.

12       Defendant agrees to notify the United States of any address change within 30  
13 days of that change. *See* 18 U.S.C. § 3612(b)(1)(F). This obligation ceases when the  
14 restitution is paid-in-full.

15       Defendant acknowledges that the Court's decision regarding restitution is final  
16 and non-appealable, except as otherwise provided for in this Agreement. Neither party  
17 may withdraw from the Plea Agreement based on the ultimate amount of restitution  
18 ordered.

19       13. Mandatory Special Penalty Assessment:

20       Defendant agrees to pay the \$200 mandatory special penalty assessment to the  
21 Clerk of Court for the Eastern District of Washington, at or before sentencing,  
22 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United  
23 States before sentencing as proof of this payment.

24       Pursuant to the Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §  
25 3014, upon conviction, unless the Sentencing Court finds the Defendant to be  
26 indigent, an additional mandatory special assessment of \$5,000 must also be imposed

1 per count.

2 Pursuant to the Amy, Vicky and Andy Child Pornography Victim Assistance  
3 Act of 2018, 18 U.S.C. § 2259A, upon conviction, in addition to any other criminal  
4 penalty, restitution, or special assessment authorized by law, the court shall assess  
5 additional special penalty assessment of no more than \$50,000 per count.

6 14. Payments While Incarcerated:

7 If Defendant lacks the financial resources to pay the monetary obligations  
8 imposed by the Court, Defendant agrees to earn the money to pay toward these  
9 obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility  
10 Program.

11 15. Judicial Forfeiture:

12 The Defendant, JAIDEN GYVAN PETERSEN, agrees to voluntarily forfeit  
13 and relinquish all right, title and interest in all assets listed herein to the United States,  
14 and hereby agrees to execute any and all forms and pleadings necessary to effectuate  
15 such forfeiture of assets, including, but not limited to the following:

16 - Coolpad silver cell phone;  
17 - SanDisk 64GB thumb drive; and

18 The Defendant stipulates that he is the sole owner of the assets identified in this  
19 Plea Agreement and that no one else has an interest in the assets.

20 The Defendant stipulates and acknowledges that the assets listed above that the  
21 Defendant is agreeing to forfeit are subject to forfeiture pursuant to 18 U.S.C. §  
22 2253(a) and (b), as property used or intended to be used in any manner or part to  
23 commit or to facilitate the commission of the offense Production of Child  
24 Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One and Two,  
25 of the Indictment to which Defendant is pleading guilty.

26 The Defendant agrees to take all steps as requested by the United States to pass

1 clear title to the assets to the United States, and to testify truthfully in any forfeiture  
2 proceeding.

3 The Defendant agrees to hold all law enforcement agents/officers, and the  
4 United States, its agents, and its employees harmless from any claims whatsoever  
5 arising in connection with the seizure and forfeiture of any asset covered by this  
6 agreement.

7 The Defendant waives further notice of any federal, state, or local proceedings  
8 involving the forfeiture of the seized assets the Defendant is agreeing to forfeit in this  
9 Plea Agreement.

10 The Defendant further agrees to waive all constitutional, equitable and statutory  
11 challenges in any manner (including direct appeal, habeas corpus, or any other means)  
12 to any forfeiture carried out in accordance with this Plea Agreement on any grounds,  
13 including that the forfeiture constitutes an excessive fine or punishment. Defendant  
14 waives any challenges or claims that the indictment lacked sufficient notice to the  
15 Defendant that the Government sought forfeiture of the property listed above for the  
16 counts to which Defendant pleads guilty. Defendant knowingly and voluntarily  
17 waives his right to a jury trial on the forfeiture of the asset(s). Defendant waives oral  
18 pronouncement of forfeiture at the time of sentencing, and any defects that may  
19 pertain to the forfeiture.

20 16. Additional Violations of Law Can Void Plea Agreement:

21 Defendant and the United States agree that the United States may at its option  
22 and upon written notice to Defendant, withdraw from this Plea Agreement or modify  
23 its recommendation for sentence if, prior to the imposition of sentence, Defendant is  
24 charged or convicted of any criminal offense whatsoever or if Defendant tests positive  
25 for any controlled substance.

17. Waiver of Appeal Rights

1  
2 Defendant understands that Defendant has a limited right to appeal or challenge  
3 Defendant's conviction and the sentence imposed by the Court.

4  
5 Defendant expressly waives all of Defendant's rights to appeal Defendant's  
6 conviction and the sentence the Court imposes.

7  
8 Defendant expressly waives Defendant's right to appeal any fine, term of  
9 supervised release, or restitution order of \$25,000 or less imposed by the  
10 Court. Defendant retains to the right to appeal a restitution order which exceeds a  
11 total of \$25,000.

12  
13 Defendant expressly waives the right to file any post-conviction motion  
14 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
15 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
16 information not now known by Defendant and which, in the exercise of due diligence,  
17 Defendant could not know by the time the Court imposes sentence.

18  
19 Nothing in this Plea Agreement shall preclude the United States from opposing  
20 any post-conviction motion for a reduction of sentence or other attack upon the  
21 conviction or sentence, including, but not limited to, writ of habeas corpus  
22 proceedings brought pursuant to 28 U.S.C. § 2255.

23  
24 Defendant expressly waives Defendant's right to bring any motion for  
25 Compassionate Release other than a motion arising from the bases set forth in Section  
1B1.13 of the Sentencing Guidelines.

26. Withdrawal or Vacatur of Defendant's Plea

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28 Should Defendant successfully move to withdraw from this Plea Agreement or  
should Defendant's conviction be set aside, vacated, reversed, or dismissed under any  
circumstance, then:

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30 a. this Plea Agreement shall become null and void;

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- b. the United States may prosecute Defendant on all available charges;
- c. The United States may reinstate any counts that have been dismissed, have been superseded by the filing of another charging instrument, or were not charged because of this Plea Agreement; and
- d. the United States may file any new charges that would otherwise be barred by this Plea Agreement.

The decision to pursue any or all of these options is solely in the discretion of the United States Attorney's Office.

Defendant agrees to waive any objections, motions, and defenses Defendant might have to the United States' decision about how to proceed, including a claim that the United States has violated Double Jeopardy.

Defendant agrees not to raise any objections based on the passage of time, including but not limited to, alleged violations of any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

19. Notice of Sex Offender Registration:

Defendant has been advised and understands, that as a convicted sex offender, under the Sex Offender Registration and Notification Act, a federal law, Defendant must register and keep the registration current in each of the following jurisdictions: the location of Defendant's residence, the location of Defendant's employment; and, if Defendant is a student, the location of Defendant's school. Registration will require that Defendant provide information that includes name, residence address, and the names and addresses of any places at which Defendant is or will be an employee or a student. Defendant understands that he must update his registrations not later than

1 three business days after any change of name, residence, employment, or student  
2 status. Defendant understands that failure to comply with these obligations subjects  
3 Defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250,  
4 which is punishable by a fine or imprisonment, or both.

5 20. Integration Clause:

6 The United States and Defendant acknowledge that this document constitutes  
7 the entire Plea Agreement between the United States and Defendant, and no other  
8 promises, agreements, or conditions exist between the United States and Defendant  
9 concerning the resolution of the case. This Plea Agreement is binding only upon the  
10 United States Attorney's Office for the Eastern District of Washington, and cannot  
11 bind other federal, state, or local authorities. The United States and Defendant agree  
12 that this agreement cannot be modified except in a writing that is signed by the United  
13 States and Defendant.

14 Approvals and signatures

15 Agreed and submitted on behalf of the United States Attorney's Office for the  
16 Eastern District of Washington.

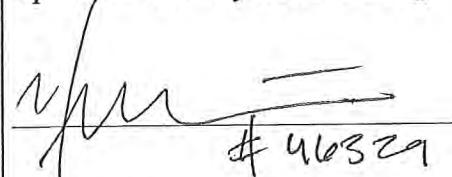
17 Vanessa R. Waldref  
18 United States Attorney

19   
20 Alison L. Gregoire  
21 Assistant U.S. Attorney

12/8/22  
22 Date

23 Agreed and submitted on behalf of the Spokane County Prosecutors Office.

24 Larry Haskell  
25 Spokane County Prosecuting Attorney

26   
27 AF 46329  
28 PLEA AGREEMENT - 20

12/15/22

Eugene Cruz and Hannah Stearns  
Spokane County Deputy Prosecutors

Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

JAIDEN GYVAN PETERSEN  
Defendant

Date

Defendant

I have read this Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement accurately and completely sets forth the entirety of the agreement between the parties. I concur in my client's decision to plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court should not accept Defendant's plea of guilty.

Amy H. Rubin  
Attorney for Defendant

12/8/22 Date